

Amendments to the Drawings:

Attached, please find a replacement drawing sheet including changes to FIG. 5. This replacement drawing sheet replaces the previously submitted replacement sheet that includes FIG. 5. The replacement sheet includes the following changes.

- Line from legacy logical element module 553 to remote device 514 is now labeled as reference numeral 585.
- Line from legacy logical element module 553 to network 550 is now labeled as reference numeral 585.
- Line from legacy logical element module 553 to host device 512 is now labeled as reference numeral 585.

Attachments: Replacement Sheet for FIG. 5
 Annotated Sheet Showing Changes for FIG. 5

REMARKS

The Applicants have carefully considered the Office action dated August 25, 2009. By way of this response, the Applicants have amended claims 26 and 31. No new matter has been added. The Applicants respectfully traverse the rejections and submit that all claims are in condition for allowance. Favorable reconsideration of this application is respectfully requested.

I. Objection to the Drawings

In the Office action, the drawings were objected to for not showing reference numeral 585 mentioned in the specification. By way of this response, the Applicants have amended FIG. 5 to show reference numeral 585. Support for this amendment can be found at least at paragraph 53 of the specification. The Applicants respectfully request withdrawal of the objection to the drawings.

II. Objections to the Specification

In the Office action, objections were made over the specification. By way of this response, the Applicants submit a substitute specification in the form of a clean copy and an annotated copy to address the objections over the specification. The substitute specification contains no new matter. The Applicants request entry of the substitute specification pursuant to 37 C.F.R. § 1.125. In addition, the Applicants respectfully request withdrawal of the objections to the specification.

III. Independent Claim 1

In the Office action, independent claim 1 was rejected under 35 USC § 103 as unpatentable over Cerciello et al. (US 5,629,938) and Sibbitt et al. (US 5,065,392). The Applicants respectfully submit that independent claim 1 is in condition for allowance. Independent claim 1 is directed to a method and recites, among other things, at least one logical circuit that includes first variable communication paths to route data through a first

local access and transport area and second variable communication paths to route the data through a second local access and transport area. The combination of Cerciello et al. and Sibbitt et al. suggested in the Office action does not teach or suggest such a method.

Cerciello et al. do not teach or suggest variable communication paths. Cerciello et al. describe that different channels can be connected to each other to provision selected circuits (*Cerciello et al.*, 6:65-7:8), but this occurs in order to establish/define the initial circuit. Cerciello et al. do not teach or suggest that once a circuit is provisioned that communication paths are variable. On the contrary, Cerciello et al. describe that re-provisioning must occur in order to maintain a shortest length between end points. *Id.*, 2:39-42.

In view of the foregoing, the Applicants respectfully submit that independent claim 1 and all claims dependent thereon are in condition for allowance.

IV. Independent Claim 15

In the Office action, independent claim 15 was rejected under 35 USC § 103 as unpatentable over Cerciello et al. and Sibbitt et al. The Applicants respectfully submit that independent claim 15 is in condition for allowance. Independent claim 15 is directed to a system and recites, among other things, at least one logical circuit that includes first variable communication paths to route data through a first local access and transport area and second variable communication paths to route the data through a second local access and transport area. The combination of Cerciello et al. and Sibbitt et al. suggested in the Office action does not teach or suggest such a system. Accordingly, the Applicants respectfully submit that independent claim 15 and all claims dependent thereon are in condition for allowance.

V. Independent Claim 26

In the Office action, independent claim 26 was rejected under 35 USC § 103 as unpatentable over Cerciello et al. and Sibbitt et al. The Applicants respectfully submit that independent claim 26 is in condition for allowance. Independent claim 26 is directed to a method and recites, among other things, at least one logical circuit that includes first variable communication paths to route data through a first local access and transport area and second variable communication paths to route the data through a second local access and transport area. The combination of Cerciello et al. and Sibbitt et al. suggested in the Office action does not teach or suggest such a method. Accordingly, the Applicants respectfully submit that independent claim 26 and all claims dependent thereon are in condition for allowance.

VI. Conclusion

In view of the foregoing, the Applicants respectfully submit that this application is in condition for allowance and request an early favorable action on the merits. If there are any remaining matters that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below.

In general, the Office action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if any such statement should become relevant by appearing in a rejection of any current or future claim).

The Commissioner is authorized to charge any deficiency in the submitted payment toward payment of any fee due for the filing of this paper to deposit account number 50-2455.

In addition, if a petition for an extension of time under 37 CFR 1.136(a) is necessary to maintain the pendency of this case and is not otherwise requested in this case, the

Applicants request that the Commissioner consider this paper to be a petition for an appropriate extension of time and hereby authorize the Commissioner to charge the fee as set forth in 37 CFR 1.17(a) corresponding to the needed extension of time to the above deposit account.

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